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FOL RPT BRASILIA 5891 SENT ACTION TO SECSTATE INFO BONN
WARSAW VIENNA TEL AVIV JERUSALEM RIO DE JANEIRO SAO PAULO
JUL 28, 1978

QUOTE: LIMITED OFFICIAL USE BRASILIA 5891

E.O. 11652: N/A

TAGS: SHUM, SREF, BR

SUBJECT: UPDATE ON CASE OF ACCUSED NAZI WAR CRIMINAL WAGNER

REF: BRASILIA 5290 AND PREVIOUS

1. TWO MORE COUNTRIES, IN ADDITION TO WEST GERMANY, HAVE
FILED FORMAL REQUESTS WITH GOB FOR EXTRADITION OF ACCUSED
NAZI WAR CRIMINAL GUSTAV FRANZ WAGNER, WHO HAS BEEN HELD
IN PREVENTIVE CUSTODY BY GOB AUTHORITIES SINCE MAY 31.
BRAZILIAN PRESS REPORTED THAT POLISH AND AUSTRIAN EMBASSIES
FILED EXTRADITION PETITIONS WITH BRAZILIAN FOREIGN MINISTRY
ON JULY 24 AND JULY 25, RESPECTIVELY. ACCORDING TO JORNAL
DE BRASILIA (JULY 26), AUSTRIAN PETITION INCLUDED 200 PAGES
OF SUPPORTING DOCUMENTS, INCLUDING 1962 RESOLUTION BY VIENNA
STATE PENAL COURT CALLING FOR WAGNER'S LOCATION AND APPRE-
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HENSION. AUSTRIAN GOVERNMENT REPORTEDLY DID NOT MAKE
ITS CLAIM ON WAGNER BECAUSE OF HIS BIRTH IN AUSTRIA,
AS PREVIOUSLY PRESUMED, BUT ON BASIS OF WAR
CRIMES ALLEGEDLY COMMITTED BY HIM BETWEEN 1940 AND
1942, WHEN HE WAS OFFICIAL AT HARTHEIM EXTERMINATION
CAMP IN AUSTRIA. POLISH PETITION, REPORTEDLY BASED ON
WAR CRIMES COMMITTED AT SOBIBOR CONCENTRATION CAMP, IS

STILL SAID TO BE INCOMPLETE, AND DELIVERY OF ADDITIONAL DOCUMENTATION TO SUBSTANTIATE THE POLISH CLAIM IS APPARENTLY EXPECTED IN THE NEAR FUTURE.

3. WAGNER'S STATE OF HEALTH FOLLOWING HIS SECOND ALLEGED SUICIDE ATTEMPT ON JUNE 22 (REFTEL) WAS MADE SUBJECT TO CONSIDERABLE MEDIA SPECULATION WHEN, ON JULY 7, BRAZILIAN FEDERAL POLICE (DPF) OFFICIALS ANNOUNCED THAT WAGNER HAD BEEN TRANSFERRED FROM HIS CELL AT DPF HEADQUARTERS IN BRASILIA TO A PSYCHIATRIC HOSPITAL IN TAGUATINGA, SOME 30 KILOMETERS FROM THE CAPITAL. DPF ANNOUNCEMENT CAME IMMEDIATELY IN WAKE OF BRASILIA RADIO REPORT ON JULY 6 WHICH CLAIMED THAT WAGNER HAD DIED. PRESS QUOTED DPF OFFICIALS WHO SAID THAT WAGNER WAS SUFFERING FROM "SERIOUS MENTAL DISTURBANCES", AND THAT HE WAS BEING GUARDED ROUND-THE-CLOCK AND WAS STILL BEING TREATED FOR AFTER-EFFECTS OF HIS LATEST SUICIDE ATTEMPT. PRESS ALSO CITED MEDICAL REPORT THAT WAGNER'S MENTAL STATE AT THE TAGUATINGA HOSPITAL HAD FAILED TO IMPROVE, THAT HE WAS DEEPLY DEPRESSED, THAT HE REFUSED TO EAT, AND THAT HE THREW OBJECTS AT ANYONE WHO APPROACHED HIM.

4. SUPREME FEDERAL TRIBUNAL IS EXPECTED TO CONSIDER EXTRADITION PETITIONS WHEN IT RECONVENES AFTER JULY RECESS ON AUGUST 11. SAYRE
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